

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE MCGRAW-HILL COMPANIES,  
INC. and MICHELLE CONLIN,

Plaintiffs,

v.

PETER TILTON,

Defendant.

NO. MS 09-165-JPD

**APPLICATION FOR WRIT OF  
EXECUTION**

**THE UNDERSIGNED STATES:**

As an attorney for the above-named Plaintiffs, I am making this application for a Writ of Execution on Said Plaintiffs' behalf.

The facts are as follows:

1. Defendant Peter Tilton ("Judgment Debtor") filed suit against Plaintiffs The McGraw-Hill Companies, Inc. and Michelle Conlin ("Judgment Creditors") on December 23, 2005 alleging various claims arising from the publication of an article written by Michelle Conlin and published in BusinessWeek magazine (owned at that time by The McGraw-Hill Companies, Inc.). Judgment Creditors obtained a jury verdict against Judgment Debtor on all

1 claims on December 11, 2007 after a multi-day jury trial before Judge Lasnik.  
2 (Case No. 06-CV-00098-RSL, Dkt. No. 267.)

3 2. Pursuant to Federal Rule of Civil Procedure 54(d)(1) and Local Rule  
4 54(d), Judgment Creditors submitted a cost bill on January 2, 2008. (Case No.  
5 06-CV-00098-RSL, Dkt. No. 269.) On January 24, 2008, the Court entered an  
6 Amended Taxation of Costs in favor of Judgment Creditors against Judgment  
7 Debtor Peter Tilton in the amount of \$22,510.03. That cost order was a final order  
8 of the Court, and no appeal was taken.

9 3. To date, the Amended Taxation of Costs remains unpaid. Indeed,  
10 Judgment Debtor has vehemently denied that he will ever pay his debt to  
11 Judgment Creditors:

12 Q. Do you intend to take any steps to pay the  
13 judgment entered against you in this matter?

14 A. I've been very clear about that. Over my dead  
15 body. I'll be broke until I die before you guys get a  
dime out of me.

16 Ex. D at 91:18-22.

17 4. On October 29, 2009, Judgment Creditors moved for Proceedings  
18 Supplemental to Execution requiring Judgment Debtor to answer discovery about  
19 his assets and property. The Court granted Judgment Creditors' motion on  
20 November 2, 2009, ordering Judgment Debtor to answer interrogatories, requests  
21 for production, and requests for admission, and to appear for a deposition on  
22 December 7, 2009.

23 5. Judgment Creditors propounded Interrogatories, Requests for  
24 Production, and Requests for Admission on Judgment Debtor on November 4,  
25 2009. Judgment Debtor answered (in a very limited manner) Judgment Creditors'  
26 Interrogatories and Requests for Production. Judgment Debtor, though he

1 received them, did not respond to Judgment Creditors' Requests for Admission,  
 2 which were thereby deemed admitted. See Ex. D at 7:17-8:7 (Judgment Debtor  
 3 received Judgment Creditors' Requests for Admission). A true and correct copy  
 4 of Judgment Debtor's answers to Judgment Creditors' Interrogatories and  
 5 Requests for Production is attached hereto as Exhibit A. A true and correct copy  
 6 of the relevant documents from Judgment Debtor's production in response to  
 7 Judgment Creditors' Requests for Production is attached hereto as Exhibit B. A  
 8 true and correct copy of the Requests for Admission that Judgment Creditors  
 9 served upon Judgment Debtor is attached hereto as Exhibit C.

10 6. Judgment Creditors deposed Judgment Debtor on December 7,  
 11 2009. A true and correct copy of relevant excerpts from Judgment Debtor's  
 12 deposition transcript is attached hereto as Exhibit D.

13 7. Judgment Debtor admitted in his deposition that he is the sole owner  
 14 of the following Internet domain names:<sup>1</sup> michelleconlin.com, michelleconlin.net,  
 15 michelleconlin.org, michelleconlin.us, geraldrosenphd.com, charlesmcnerny.com,  
 16 charliemcnerny.com, and charleymcnerny.com:

17 Q. For michelleconlin.com, michelleconlin.net,  
 18 michelleconlin.org, and michelleconlin.us, you are the  
 19 registrant, the administrative contact, the technical  
 20 contact, and person being billed for all four sites?

21 A. Yes.

22 Q. You own all four domain names?

23 A. Yes.

24 Q. And any websites on those domain names are  
 25 yours as well?

26 <sup>1</sup> Every computer connected to the internet has an IP (Internet Protocol) address made up of a string of numbers. A domain name is a recognizable name that identifies one or more IP addresses. For example, the domain name [www.domain.com](http://www.domain.com) could represent the IP address 111.222.333.444.

1 A. Yes.

2 Ex. D at 14:22-15:6; see *also* Ex. D at 10:5-20 (admitting ownership of  
3 michelleconlin.com), 13:5-9 (same), 13:20-14:4 (admitting ownership of all four  
4 michelleconlin domain names), 15:23-16:4 (same), 76:23-25 (same); 77:13-78:10  
5 (admitting ownership of charlesmcnerny.com, charliemcnerny.com, and  
6 charleymcnerny.com domain names); 79:8-80:12 (admitting ownership of  
7 geraldrosenphd.com domain name).

8 8. Documents produced by Judgment Debtor also establish his  
9 ownership of the domain names michelleconlin.com, michelleconlin.net,  
10 michelleconlin.org, michelleconlin.us, geraldrosenphd.com, charlesmcnerny.com,  
11 charliemcnerny.com, and charleymcnerny.com. Ex. B at 3-6, 8, 9, 11, 12.

12 9. Judgment Debtor also admitted that he was the owner of  
13 michelleconlin.com in the Judgment Creditors' Requests for Admission, which  
14 were deemed admitted by Plaintiff's failure to respond. Ex. C at Requests No. 1-3  
15 (admitting that Judgment Debtor owns, controls, and administers the  
16 michelleconlin.com domain name).

17 10. Judgment Debtor paid approximately ten dollars for each of the  
18 above-listed domain names. Ex. D at 19:8-11 ("Q. The four domain names we  
19 talked about -- michelleconlin.net, .com, .org, and .US -- cost \$10 each to  
20 register? A. About, yes."), 80:5-9 (geraldrosenphd.com cost "\$10.87 with tax" to  
21 register); Ex. B at 8, 9, 11, 12 (documents reflecting same). Judgment Debtor  
22 considers those domain names to be "extremely valuable." Ex. D at 26:19-20.

23 11. The above-listed domain names are registered with and hosted by  
24 GoDaddy.com.<sup>2</sup> Ex. D at 10:5-20 (michelleconlin.com is registered with

25 <sup>2</sup> A domain name registrar is an accredited organization that manages domain names. Unowned  
26 domain names can be purchased through domain name registrars. Owned domain names can be  
bought, sold, and transferred like any other form of property. Ex. D at 26:2-7 (domain names can

1 GoDaddy), 20:5-23 (michelleconlin.com is hosted by GoDaddy), 80:5-6  
2 (geraldrosenphd.com is registered with GoDaddy); Ex. B at 8, 9, 11, 12, 13-15 (all  
3 four michelleconlin domain names, charliemcnerny.com, and geraldrosenphd.com  
4 are registered with GoDaddy).

5 12. Subsequent to answering Judgment Creditors' discovery and his  
6 deposition, Judgment Debtor represented to Judgment Creditors, via an email to  
7 the undersigned counsel, that he was also the sole owner of the domain name  
8 riddell-williams.com. A true and correct copy of that email is attached hereto as  
9 Exhibit E.

10 13. Judgment Debtor intends to use the domain names mentioned  
11 above as a marketing tool to generate interest in a book he is writing. Ex. D at  
12 28:13-16. He also intends to use those domain names to generate money to help  
13 him finish his book. Judgment Debtor testified that he intended to avoid payment  
14 of any such money to the Judgment Creditors, to the IRS and to others:

15 [The domain names] are my marketing tools to get the  
16 book out. And also I'm going to use those to start  
17 posting chapters of the book so I can start getting  
18 some exposure, trying to find maybe a publisher or  
19 somebody who will support me. I can't really take  
20 money from anybody because I owe you guys and the  
IRS and everybody, so I'll come up with a good way to  
make sure that the money gets funneled into an  
appropriate -- that I'm not in control of the money and  
that it gets funneled into the nonprofit organization that  
I'm trying to create.

21 Ex. D at 26:24-27:8; see also Id. at 27:12-16 ("Q. And any money that is  
22 generated through the use of michelleconlin.com you intend to somehow take and  
23 funnel to your nonprofit? A. Well, that's kind of an oversimplification, but for the  
24 purposes here, yes.").

25  
26 be sold and/or transferred).

1 14. Judgment Debtor's address is 11122 106th Avenue Northeast,  
2 Kirkland, Washington 98033. Ex. D. at 56:9-15.

3 15. On its website, GoDaddy lists its corporate address as 14455 N.  
4 Hayden Rd., Suite 219, Scottsdale, AZ 85260.  
5 <http://www.godaddy.com/gdshop/about.asp?ci=9079> (last visited December 16,  
6 2009).

7 THE UNDERSIGNED CERTIFIES (or declares) under penalty of perjury  
8 under the laws of the United States of America that the foregoing is true and  
9 correct.

10 DATED this 28th day of December, 2009, at Seattle, Washington.

11  
12 s/Gavin W. Skok  
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22 and MICHELLE CONLIN  
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